

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE SUBURBAN TEAMSTERS)	
OF NORTHERN ILLINOIS WELFARE AND)	
PENSION FUNDS,)	
)	
Plaintiffs,)	
)	Case No.: 25 C 2052
v.)	
)	Judge Joan H. Lefkow
)	
CTM TRUCKING, INC.)	Magistrate Judge M. David Weisman
an Illinois corporation)	
JUAN CURIEL, Individually,)	
)	
Defendants.)	

**MOTION FOR DEFAULT JUDGMENT IN SUM CERTAIN
ON COUNTS I AND II**

NOW COME the Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUND, by and through its attorney, JOHN J. TOOMEY, ARNOLD AND KADJAN, LLP and pursuant to FRCP 55(b)(2) move for judgment in sum certain as stated in this Motion and the supporting Affidavits attached hereto as Exhibits 1 and 2. In support of its Motion, Plaintiffs state as follows:

1. Suit was filed on February 27, 2025 for collection of delinquent contributions plus attorneys' fees, costs and interest under 29 U.S.C. 1132(g)(2).
2. Service was made upon CTM TRUCKING, INC., an Illinois corporation on March 29, 2025.
3. Service was made upon JUAN CURIEL, Individually on March 9, 2025.

4. Defendants CTM TRUCKING, INC., an Illinois corporation on Count I and JUAN CURIEL, Individually on Count II are now in default on Counts I and II of the Complaint and as supported by the attached Affidavits (Exhibits 1 and 2) the sums due jointly and severally are:

\$22,062.25	Welfare
\$18,873.69	Pension
\$1,250.00	Attorneys fees
<u>\$500.00</u>	Court costs
\$42,685.94	Total

WHEREFORE, Plaintiffs pray for:

1. Entry of judgment in a sum certain against Defendants, CTM TRUCKING, INC., an Illinois corporation on Count I and JUAN CURIEL, Individually on Count II, jointly and severally, and in favor of Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS PENSION AND WELFARE FUNDS in the amount of \$42,685.94 with no just reason for delay in enforcement under FRCP 54(b).

TRUSTEES OF THE SUBURBAN TEAMSTERS
OF NORTHERN ILLINOIS PENSION AND
WELFARE FUNDS

s/John J. Toomey
ARNOLD AND KADJAN, LLP
35 E. Wacker Drive, Suite 600
Chicago, IL 60601
Telephone No.: (312) 236-0415
Facsimile No.: (312) 341-0438
Dated: April 22, 2025

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
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TRUSTEES OF THE SUBURBAN TEAMSTERS)	
OF NORTHERN ILLINOIS WELFARE AND)	
PENSION FUNDS,)	
)	
Plaintiffs,)	
)	Case No.: 25 C 2052
v.)	
)	Judge Joan H. Lefkow
)	
CTM TRUCKING, INC.)	Magistrate Judge M. David Weisman
an Illinois corporation)	
JUAN CURIEL, Individually,)	
)	
Defendants.)	

AFFIDAVIT IN SUPPORT OF
ATTORNEYS' FEES

NOW COMES the undersigned, JOHN J. TOOMEY, upon being first duly sworn,
deposes and states as follows:

1. The undersigned is counsel of record in Case No. 2025 C 2052.
2. Affiant is an attorney licensed to practice law in the State of Illinois since 1978.

Affiant is admitted to the trial Bar of the Northern District of Illinois, the Central District of Illinois and the Seventh, Eighth, Second and Eleventh Federal Circuit Courts of Appeal, U. S. Tax Court and the United States Supreme Court since January 11, 1982.

3. The time spent in the case is as follows, was reasonably necessary in the prosecution of the case, no paralegals were used:

February 27, 2025	Open file; draft complaint and summons and file with court	2 hours
March 31, 2025	Return of service filed with the court	.5 hours

April 22, 2025	Draft Motions for Judgment in Sum Certain on Counts I and II and separately on Count III	1.5 hours
	Court appearance on Motions for Judgment in Sum Certain	1.0 hours

4. The costs expended in prosecuting the case are:

Filing fee	\$405.00
Reliant Agency Service of Complaint	\$95.00
Total Costs	\$500.00

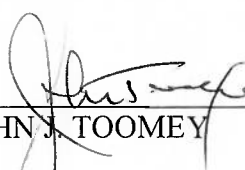
5. Reasonable value of such services is Two Hundred Fifty Dollars per hour:

\$250.00 x 5 hours	\$1,250.00
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6. The total in fees and costs expended are:

Attorneys' fees	\$1,250.00
Costs	\$500.00
Total	\$1,750.00

FURTHER AFFIANT SAYETH NOT.



JOHN J. TOOMEY

Dated: April 22, 2025

JOHN J. TOOMEY
ARNOLD AND KADJAN, LLP
35 E. Wacker Drive
Suite 600
Chicago, Illinois 60601
(312) 236-0415

EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE SUBURBAN TEAMSTERS)
OF NORTHERN ILLINOIS WELFARE AND)
PENSION FUNDS,)

Plaintiffs,

v.

CTM TRUCKING, INC.
an Illinois corporation
JUAN CUriEL, Individually,

Defendants.

Case No.: 25 C 2052

Judge Joan H. Lefkow

Magistrate Judge M. David Weisman

AFFIDAVIT

JOSE M. COLIN, upon being first duly sworn deposes and states as follows:

1. Affiant is employed by the Suburban Teamsters Welfare and Pension Funds ("Fund") as the Fund Manager and is familiar with the CTM TRUCKING, INC., an Illinois corporation, audit to determine what amounts if any were due and owing the Funds, and is also familiar with the parties' agreement concerning contributions, liquidated damages and interest owed.

2. A records review was performed on September 28, 2023, June 18, 2024 and July 23, 2024 for the period April 1, 2023 through June 30, 2024 and found to be owing by the Employer as outlined in Counts I and II of the Complaint:

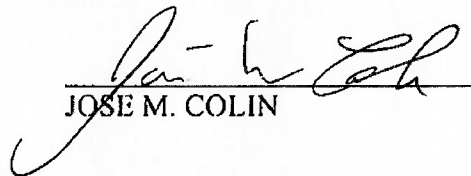
Pension	\$18,873.69
Welfare	\$22,062.25
Total	\$40,935.94

3. A records review was performed on February 21, 2025 for the period July 1, 2024 through January 31, 2025 and found to be owing by the Employer as outlined in Count III of the Complaint:

Pension	\$13,811.66
Welfare	\$15,760.75
Total	\$29,572.41

4. Affiant is above the age of 21, suffers from no disability and has actual knowledge of the above and could so testify.

FURTHER AFFIANT SAYETH NOT.


JOSE M. COLIN

SUBSCRIBED AND SWORN
to before me this 17 day of
April, 2025.


Notary Public

